

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,) Case No: 1:19-CV-
v.) Judges
REAL PROPERTY LOCATED AT)
11205 OLBRICH TRAIL)
JOHNS CREEK, GEORGIA 30097,)
Defendant.)

VERIFIED COMPLAINT IN REM

Comes now the plaintiff, United States of America, by and through its attorneys, J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, and Gretchen Mohr, Assistant United States Attorney, and brings this complaint and alleges as follows in accordance with Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions:

NATURE OF THE ACTION

1. In this *in rem* civil action, the United States of America seeks forfeiture of the real property having a mailing address of 11205 Olbrich Trail, Johns Creek, Georgia 30097 (hereinafter “defendant property”).
2. The United States of America seeks forfeiture of the defendant property pursuant to 18 U.S.C. § 981(a)(1)(C), which authorizes forfeiture of property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1343 and/or 1957.

THE DEFENDANT IN REM

3. The United States seeks forfeiture of the following defendant property, with all appurtenances, improvements, and attachments thereon, which is more fully identified and more particularly described below:

All that tract of parcel of land lying and being in Land Lot 417 and 418 of the 1st District, 1st Section, Fulton County, Georgia being Lot 200, The Palisades at Bellmoore Park – Phase III, as shown on plat recorded in Plat Book 387, Pages 69-79, Fulton County, Georgia records.

For further reference see Deed Book 59083, page 208, filed and recorded August 3, 2018 in the Clerk of Superior Court for Fulton County, Georgia, Instrument Number 2018-0217292.

4. The defendant property has not been seized but is within the jurisdiction of the Court pursuant to 28 U.S.C. § 1335(b)(1)(A). The United States does not request authority from the Court to seize the defendant property at this time. The United States will, as provided by 18 U.S.C. §§ 985(b)(2) and (c)(1):

- a. post notice of this action and a copy of the Complaint on the defendant property;
- b. serve notice of this action on the record owners of the defendant property, and any other person or entity who may claim an interest in the defendant property, along with a copy of this Complaint;
- c. execute a writ of entry for purposes of conducting an inspection and inventory of the defendant property; and
- d. file a notice of *lis pendens* in the county records where the defendant property is located.

JURISDICTION AND VENUE

5. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

6. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture of the defendant property occurred in this district.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A), because the acts or omissions giving rise to the forfeiture occurred in this district.

BASIS FOR FORFEITURE

8. The United States of America seeks forfeiture of the defendant property pursuant to 18 U.S.C. § 981(a)(1)(C) for violations of 18 U.S.C. §§ 1343 and/or 1957.

9. Pursuant to 18 U.S.C. § 981(f), all right, title and interest in the defendant property became vested in the United States at the time of the acts giving rise to the forfeiture.

FACTS

10. As set forth in detail in the Affidavit of Special Agent, David Kukura, Federal Bureau of Investigation, the Government's investigation has determined that defendant property constitutes proceeds of an offense in violation of federal law including conspiracy to commit wire fraud and money laundering. Furthermore, your Affiant has probable cause to believe the defendant property constitutes proceeds traceable to violations of 18 U.S.C. § 1343 (Wire Fraud) and is subject to civil forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and constitutes proceeds traceable to violations of 18 U.S.C. § 1957 (Money Laundering) and is subject to civil forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C).

11. The defendant property is subject to forfeiture to the United States in accordance with 18 U.S.C. § 981(a)(1)(C).

CLAIM FOR RELIEF

12. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 11 above.

PRAYER FOR RELIEF

Wherefore, the United States of America prays:

1. Defendant property be condemned and forfeited to the United States of America in accordance with the provisions of law;
2. Notice of this action be given to all persons known or thought to have an interest in or right against the defendant property;
3. Plaintiff be awarded its costs in this action and for such other necessary and equitable relief as this Court deems proper.

Respectfully submitted,

J. DOUGLAS OVERBEY
United States Attorney

By: s/Gretchen Mohr
GRETCHEN MOHR
Assistant United States Attorney
800 Market Street, Suite 211
Knoxville, Tennessee 37902
(865) 545-4167

VERIFICATION

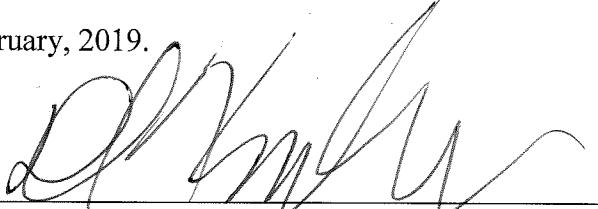
I, David Kukura, Special Agent, Federal Bureau of Investigation, hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That I have read the foregoing Verified Complaint *In Rem* and know the contents thereof, and that the matters contained in the Verified Complaint *In Rem* and in the accompanying Affidavit are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are from information gathered by law enforcement officers, as well as my investigation of this case with the Federal Bureau of Investigation.

I hereby verify and declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 27th day of February, 2019.



David Kukura
Special Agent
Federal Bureau of Investigation

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

| | | | | | | | | |
|---|--|---|---|--|---|---|--|---|
| I. (a) PLAINTIFFS | | DEFENDANTS | | | | | | |
| United States of America | | Real property located at 11205 Olbrich Trail, Johns Creek, Georgia 30097 | | | | | | |
| (b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i> | | County of Residence of First Listed Defendant <u>Fulton County, Georgia</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i> | | | | | | |
| (c) Attorneys (<i>Firm Name, Address, and Telephone Number</i>) | | NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. | | | | | | |
| Gretchen Mohr, AUSA, 800 Market St., Suite 211 Knoxville, Tennessee 37902, (865) 545-4167 | | Attorneys (<i>If Known</i>) | | | | | | |
| II. BASIS OF JURISDICTION (<i>Place an "X" in One Box Only</i>) | | III. CITIZENSHIP OF PRINCIPAL PARTIES (<i>Place an "X" in One Box for Plaintiff and One Box for Defendant</i>) | | | | | | |
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i> | Citizen of This State | <input type="checkbox"/> PTF 1 <input type="checkbox"/> DEF 1 Incorporated or Principal Place of Business In This State | <input type="checkbox"/> PTF 4 <input type="checkbox"/> DEF 4 | | | | |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i> | Citizen of Another State | <input type="checkbox"/> PTF 2 <input type="checkbox"/> DEF 2 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> PTF 5 <input type="checkbox"/> DEF 5 | | | | |
| | | Citizen or Subject of a Foreign Country | <input type="checkbox"/> PTF 3 <input type="checkbox"/> DEF 3 Foreign Nation | <input type="checkbox"/> PTF 6 <input type="checkbox"/> DEF 6 | | | | |
| IV. NATURE OF SUIT (<i>Place an "X" in One Box Only</i>) | | Click here for: Nature of Suit Code Descriptions . | | | | | | |
| CONTRACT | | TORTS | | BANKRUPTCY | | | | |
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | | FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other | PROPERTY RIGHTS <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act | | |
| REAL PROPERTY | | CIVIL RIGHTS | | SOCIAL SECURITY | OTHER STATUTES | | | |
| | | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | | <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) | | | |
| | | | | FEDERAL TAX SUITS | | | | |
| | | | | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes | | | |
| V. ORIGIN (<i>Place an "X" in One Box Only</i>) | | | | | | | | |
| <input checked="" type="checkbox"/> 1 Original Proceeding | | <input type="checkbox"/> 2 Removed from State Court | | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
| | | | | | Cite the U.S. Civil Statute under which you are filing (<i>Do not cite jurisdictional statutes unless diversity</i>): Title 18, United States Code, Sections 981(a)(1)(C) | | | |
| VI. CAUSE OF ACTION | | Brief description of cause: Forfeiture of real property derived from proceeds traceable to 18 U.S.C. §§ 1343 and 1957 | | | | | | |
| VII. REQUESTED IN COMPLAINT: | | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. | | DEMAND \$ | | CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| VIII. RELATED CASE(S) IF ANY | | (See instructions): JUDGE _____ DOCKET NUMBER _____ | | | | | | |
| DATE 02/27/2019 | | SIGNATURE OF ATTORNEY OF RECORD s/ Gretchen Mohr | | | | | | |
| <small>TOP OFFICE USE ONLY</small> | | | | | | | | |